

Minutes

Ordinary Meeting of Council

Monday, 25th November 2019

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The meeting commenced at 7.02pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Georgina Oxley (Mayor)
Cr Tamara Barth
Cr Tamsin Bearsley
Cr Ron Brownlees OAM
Cr David Eden
Cr Geoff Gledhill
Cr George Hua
Cr Steve Staikos
Cr Rosemary West OAM

In Attendance: Julie Reid, Chief Executive Officer
Mauro Bolin, General Manager Community Sustainability
Paul Franklin, General Manager Corporate Services
Bridget Draper, Acting General Manager City Assets and Environment
Jonathan Guttmann, General Manager Planning and Development
Phil De Losa, Manager Governance
Tracey Cheeseman, Program Leader, Strategic Communications & Engagement
Keshia West, Media and Communications Advisor
Gabrielle Pattenden, Governance Officer
Lindsay Holland, Facilities Officer

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Brownlees

Seconded: Cr Hua

That the Minutes of the Ordinary Meeting of Council held on 28 October 2019 and the Special (Statutory) Meeting of Council held on 13 November 2019 be confirmed.

CARRIED

3. Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest

The CEO, Julie Reid foreshadowed a declaration of a conflict of interest in Item 11.1.

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4. Petitions

4.1 KP-2007/881/A – 275-315 Kingston Road Clarinda

Moved: Cr Staikos

Seconded: Cr Barth

That the petition be referred to the CEO for response.

CARRIED

5. Presentation of Awards

Nil

6. Reports from Delegates Appointed by Council to Various Organisations

Nil

7. Question Time

Question time was held at 8.22pm.

Refer to page 28 of the minutes.

Block Resolution

Moved: Cr Gledhill

Seconded: Cr Staikos

That the following items be block resolved and that the recommendations in each item be adopted:

- 8.4 Town Planning Application Decisions - October 2019
- 8.5 Footpath Activities Policy
- 8.6 Planning Compliance in the Green Wedge - November 2019
- 9.1 Aboriginal Reconciliation Plan 2019 - 2021
- 9.2 CON-18/103 Award of Contract - Maintenance of Security System
- 9.3 CON-19/75 Parkdale Yacht Club Award of Contract
- 9.4 CON-19/80 Award of Contract - Southern Road Reserve Refurbishment
- 9.5 Changing Places Facility: Peter Scullin Reserve, Mordialloc
- 9.6 Lift Installation: The Old Bakery Museum (Mordialloc & District Historical Society)
- 9.7 Parent First Aid
- 10.1 CON-19/112 - Receipt of Recyclables - Financial Implications of any Contractual Changes
- 10.2 Rowans Road (Isabella Street to Franklin Street), Moorabbin Road Reconstruction
- 10.3 Response to Budget Submission 6 - Chelsea Pony Club Fencing Improvements
- 10.4 Emergency Management Annual Report and Update - 2019
- 10.5 Temporary extension of foreshore and public amenity cleansing

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- 10.6 Elder Street South Masterplan Consultation
- 11.2 Quick Response Grants
- 11.5 Delegation of Authority to Chief Executive Officer - Contracts for Supply of Natural Gas to Large Market Council Facilities [Procurement Australia Contract 0638/2206]

CARRIED

8. Planning and Development Reports

8.1 KP-2007/881 - 275-315 Kingston Road, Clarinda

It is recorded that Silvana Anthony spoke on behalf of objectors.

It is recorded that Peter Murphy spoke on behalf of the applicant.

Moved: Cr Staikos

Seconded: Cr Barth

That Council determine to refuse the secondary consent application at 275-315 Kingston Road, Clarinda for the extension to the operations for a further 15 year period (from 2023 to 2038) in association with Condition 8 of Planning Permit KP-2007/881 for the following reasons:

1. The initial 15 year life of the planning permit was sufficient to use and recover the land in accordance with Planning Permit No. KP-2007/881. The extension sought further 15 years contradicts the purpose of the Green Wedge A Zone, the local planning policies, and the vision of the Kingston Green Wedge Plan.
2. The planning controls applicable under the Kingston Planning Scheme have significantly changed since issuing of Planning Permit No. KP-2007/881 with such use and development now prohibited under the current Kingston Planning Scheme.
3. The Land Transfer, Rent and Contribution are not reasonably capable of being related to the implementation of planning policy ascertained from the Planning and Environment Act 1987 (Vic) and the Kingston Planning Scheme and on this basis are refused.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Barth, Eden, Staikos, West and Oxley (5)

AGAINST: Crs Bearsley, Brownlees and Gledhill (3)

ABSTAINED: Cr Hua (1)

CARRIED

8.2 KP-2018/889 - 276 Nepean Highway Parkdale

It is recorded that Luke Wallis spoke on behalf of objectors.

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to use and develop the land for a child care centre, display business identification signage and alter/create access to a road in a Road Zone, Category 1 at No. 276 Nepean Highway Parkdale, subject to the following conditions:

1. Before the use and/or development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be substantially in accordance with the plans prepared by 'Fd Architects Pty. Ltd.' Project no. 1833, drawing no. TP03F to TP09F inclusive, dated 14 May 2019 and submitted to Council on 12 August 2019, but modified to show:
 - a) the location of external flood lighting for the front standalone sign and shown to be baffled to ensure lighting is not directed out towards the adjoining residential properties;
 - b) the provision of visual splays on either side of the access point at the front of the property in accordance with design standard 1 of Clause 52.06-9 of the Kingston Planning Scheme;
 - c) sustainable design initiatives notated on the plans where appropriate in accordance with the approved Sustainable Management Plan required by Condition 5;
 - d) the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - e) the provision of a full colour, finishes and building materials schedule (including samples) for all external elevations and driveways of the development;
 - f) the provision of a landscape plan in accordance with the submitted development plan, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii. a survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii. a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iv. the delineation of all garden beds, paving, grassed area, retaining

- walls, fences and other landscape works;
- v. a range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to comprise of a minimum 80% coastal indigenous species by plant type and total quantities;
 - vi. two (2) native canopy trees capable of growing to minimum mature dimensions of 8 metres in height and 6 metres in width to be planted in the front setback of the property;
 - vii. all trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - viii. notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and
 - ix. tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan.
- g) The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan.
 - h) Any changes as required by condition 3.
 - i) The retention of the *Ficus carica* (Fig) and the *Malus domestica* (Apple) tree at the rear of the property.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Tree Management and Protection Plan

3. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
- a) A Tree Management Plan (written report) must provide details of:
 - i. Tree protection measures that will be utilized to ensure all trees to be retained remain viable post-construction.
 - ii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - b) A Tree Protection Plan (scale drawing) must provide details of:
 - i. The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighboring properties where any part of the Tree Protection Zone falls within the subject site.
 - ii. The location of tree protection measures to be utilised.
 - iii. A notation to refer to the Tree Management Plan.

Centre Management Plan

4. Prior to the commencement of the use the permit holder must prepare a Management Plan for the operation of the Child Care Centre, to the satisfaction of the Responsible Authority, and approved by the Responsible Authority. When approved the Management Plan will be endorsed and then form part of the permit. The Management Plan must provide for:

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- a) A rotation plan for playground areas restricting the number of children in each play area that reduces potential noise generation.
- b) A copy of all permits for the site must be included as a Schedule to the Management Plan.
- c) Hours of operation for the site.
- d) Number of children and staff on site.
- e) Hours for waste collection.
- f) Landscaping plan in accordance with condition 1 on this permit attached as a schedule.
- g) All noise attenuation measures outlined.
- h) Where used, amplified music must be at a low level.
- i) Musical instruments should be avoided wherever practical outside of the building.
- j) The method for recording and responding to complaints relating to noise.

A copy of the Management Plan must be made available to all staff.

Sustainable Management Plan

5. Prior to the endorsement of plans required by condition 1, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be generally in accordance with the SMP prepared by 'Frater', (dated 9 May 2019).
6. All works must be undertaken in accordance with the endorsed Sustainable Management Plan to the satisfaction of the responsible authority. No alterations to the SMP may occur without the written consent of the Responsible Authority.

Construction Management Plan

7. Prior to the commencement of any buildings and works on the land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy, July 2015 and Construction Management Guidelines, 1 November 2015 (and any superseding versions and / or documents). The CMP must specify and deal with, but is not limited to, the following elements:
 - a) Public Safety, Amenity and Site Security
 - b) Traffic Management
 - c) Stakeholder Management
 - d) Operating Hours, Noise and Vibration Controls
 - e) Air Quality and Dust Management
 - f) Stormwater and Sediment Control
 - g) Waste and Materials Re-use

When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

Waste Management

8. Prior to the commencement of the use, a Waste Management Plan (WMP)

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generally in accordance with the WMP prepared by 'Frater' (dated 19 March 2019) and to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority.

9. Waste to be collected once per week on Saturdays between the hours of 10:00 am to 5:00 pm or otherwise as approved by the Responsible Authority in writing.

Acoustic Management

10. Prior to the commencement of the use, an Acoustic Engineering Report generally in accordance with the report prepared by 'Audiometric & Acoustic Services' (dated 15 March 2019) and to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority.
11. The recommendations as specified within the approved Acoustic Engineering Report required under condition 10 must be implemented and maintained to the satisfaction of the Responsible Authority.

Operation of Use

12. No more than 33 children are to be cared for on the land in association with the use at any one time.
13. The use must operate only between the hours of:
Monday to Friday – 7:00 am to 6:00 pm
Or otherwise as approved by the Responsible Authority in writing.

Drainage and Water Sensitive Urban Design

14. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
 - a) Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b) The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c) A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d) The water sensitive urban design treatments as per conditions 14 a), b) and c) above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
15. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:

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- a) All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
- b) The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 9.4L/s.
- c) All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Infrastructure and Road Work

16. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Nepean Highway and all internal driveways must align with the existing / proposed vehicle crossing.
17. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
18. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
19. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
20. The vehicle crossing constructed to specifications to the satisfaction of the Responsible Authority.
21. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

Parking construction and management

22. Before occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - i. Constructed to the satisfaction of the Responsible Authority.
 - ii. Properly formed to such levels that they can be used in accordance with the plans.
 - iii. Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
 - iv. Drained to the satisfaction of the Responsible Authority.
 - v. Line-marked to indicate each car space, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
 - vi. In accordance with any Council adopted guidelines for the construction of car parks.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

23. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
24. The car parking provided on the land must always be made available for the use by persons on or visiting the subject premises to the satisfaction of the Responsible Authority and no measures restricting access by such persons to the car park may be taken without the prior written consent of the Responsible

Authority.

25. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.

General Amenity

26. The amenity of the area must not be detrimentally affected by the development and use, through the:
- i. Transport of materials, goods or commodities to or from the land.
 - ii. Appearance of any building, works or materials.
 - iii. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iv. Presence of vermin.
 - v. Any other way
27. The development and / or use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.
28. The loading and unloading of goods to and from vehicles must only be carried out on the land.
29. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
30. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the Responsible Authority's satisfaction.

Completion of works

31. Before occupation of the development hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority including that any dead, diseased or damaged plants are to be replaced.
32. Prior to the commencement of the use, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
33. Once the development hereby approved has started, it must be continued and completed to the satisfaction of the Responsible Authority.

Signage conditions

34. The location and details of the signs as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
35. All signs must be located wholly within the title boundary of the land and must not protrude above the overall height of the building.
36. The signs must not be located within or encroach onto the road reservation.
37. Signs must not be illuminated internally except with the prior written consent of the Responsible Authority.

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38. No other signs or other advertising or identification may be erected or displayed on the site without written consent from the Responsible Authority.
39. The signs must not be animated, and no flashing or intermittent lights may be displayed.
40. The intensity of the external floodlight of the standalone sign must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity in the surrounding area all to the satisfaction of the Responsible Authority.
41. The external floodlight must be baffled to not emit any light to adjoining residential properties to the satisfaction of the Responsible Authority.
42. Once the erection of the signs has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
43. The signs shown on the endorsed plans must be constructed and maintained to the satisfaction of the Responsible Authority.

Expiry

44. This permit (or part of the permit that relates to advertising signs) expires 15 years from the date of issue of the permit.
45. In accordance with Section 68 of the *Planning and Environment Act 1987 (The Act)*, this permit will expire if one of the following circumstances applies:
 - The development is not started within two (2) years from date of this permit.
 - The development is not completed within four (4) years from the date of this permit.
 - The use does not commence within two (2) years from completion of the development.
 - The use is discontinued for a period of two (2) years.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note: Prior to the commencement of the development and use you are required to obtain the necessary Building Permit.

Note: All buildings and works must be carried out in accordance with the approved Cultural Heritage Management Plan as required by the *Aboriginal Heritage Act 2006*. A copy of the approved CHMP must be held on site during the construction activity.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Bearsley, Brownlees, Eden, Gledhill and Hua (5)

AGAINST: Crs Oxley, Barth, Staikos and West (4)

CARRIED

8.3 KP-2017/956 - 1054-1058 Nepean Highway, Highett

It is recorded that Daniel Bowden spoke on behalf of the applicant.

Cr Barth left the meeting at 8:01pm

Moved: Cr Staikos

Seconded: Cr Hua

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for a three (3) storey apartment building and create access to a Road Zone Category 1 at 1054-1058 Nepean Highway, Highett, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the amended plans prepared by Planar Arc, Drawing No's. TP08-TP17 inclusive, Revision D, dated 27/2/19, but modified to show:
 - a) the en-suite to Apartments G04 & G07 deleted to increase the living areas and achieve a dedicated dining area and larger kitchen with return bench;
 - b) screening measures to limit overlooking from habitable room windows and balconies clearly labelled or identified in compliance with Standard B22 of Clause 55 of the Kingston Planning Scheme, by the following but not limited to:
 - i. Obscured glazed windows (no more than 25 per cent transparent) clearly notated;
 - ii. Non-trafficable area notated behind the first floor north-west facing opaque glazed balustrade
 - iii. Detail drawings of all types of privacy screens and labelled according to the finishes schedule;
 - c) provision of screening on terrace 2.04 that adequately limits internal overlooking in accordance with Standard B23 of Clause 55 of the Kingston Planning Scheme;
 - d) the internal garden void to include a ground floor access door;
 - e) the internal garden void to have sufficient openings to each floor for natural ventilation of common areas via the rooftop;
 - f) habitable room windows directly adjacent to the basement ramp to be double glazed;
 - g) storage be allocated to the respective sized dwelling according to Standard B44 of Clause 55 of the Kingston Planning Scheme;
 - h) all storage cages to be secure, made private with non-transparent walls and doors, and with appropriate lighting, notated on plans accordingly;
 - i) all storage cages to have sliding doors where adjacent to a car space;
 - j) provision of a security door/gate to basement car parking;

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- k) a convex mirror at the base of the ramp to show oncoming traffic
- l) car parking to be adequately mechanically ventilated with any flue integrated into the building design and away from neighbouring properties;
- m) existing crossovers to be reinstated on plans;
- n) the proposed crossover shown on all floor plans;
- o) mailboxes provided in a convenient location;
- p) site services nominated that are accessible, adequate and attractive;
- q) the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development;
- r) the provision of a longitudinal section of the basement ramp showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004 and the flood proof apex required by Condition 11 of this permit;
- s) the ground floor area labelled non-trafficable along the northern boundary converted into usable POS and landscaped;
- t) the provision of a landscape plan substantially in accordance with the submitted Landscape Plan prepared by Faulkner & Chapman Landscape Design (13/03/2019), with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and amended to show:
 - i. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - ii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iii. Five (5) *Eucalyptus polyanthemos* (Red Box) to be planted in the front setback of the property;
 - iv. Details for the access and maintenance of the rainforest garden;
 - v. The substitution of synthetic turf with either drought tolerant lawn, mulched garden beds planted with graminoids and ground covers, or permeable paving;
 - vi. The ground floor areas along the north-eastern boundary converted to functional private open space areas, including landscaping along the boundary;
 - vii. Details for the planter boxes along the perimeter of the western half of the development on the second level.
 - viii. Details for the landscaping on the roof deck, incorporating perimeter planter boxes planted with shrubs, graminoids and ground covers, and a pergola (or similar structure) planted with climbing plants.
 - ix. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - x. Notes including cross-sectional diagrams showing the dimensions,

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- substrate specifications and drainage for all planter boxes;
- xi. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation, automated irrigation and any specific maintenance requirements;
 - xii. Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
- u) the location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan;
 - v) any changes as required by Condition 4 of this permit;
 - w) all relevant commitments identified within the Sustainable Management Plan, required under Condition 16 of this permit, shown on plans;
 - x) uniformity with the commitments and any changes identified within the Waste Management Plan, required under Condition 14 of this permit, shown on the plans.

Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Trees to be retained

- 3. The retention of the *Syzygium smithii* (Lilly Pilly) located in the southern corner of the development.

Tree Management and Protection Plan

- 4. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a) A Tree Management Plan (written report) must provide details of:
 - i. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - ii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iii. How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - iv. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
 - v. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - vi. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
 - vii. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - viii. Any pruning to be undertaken being in accordance with AS4373-

2007.

- b) A Tree Protection Plan (scale drawing) must provide details of:
 - i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - iii. A notation to refer to the Tree Management Plan.
- 5. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
- 6. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street trees

- 7. Tree Protection Fencing is to be established around the *Corymbia ficifolia* (Red-flowering Gum) and *Acacia baileyana* (Cootamundra Wattle) street trees and associated garden bed, prior to demolition and maintained until all works on site are complete.
 - a) The fencing is to be a 1.8-metre-high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting
 - b) The fencing is to encompass the entire nature strip.
- 8. Prior to the commencement of works, the *Ulmus parvifolia* (Chinese Elm) located in the Nepean Highway service road nature strip, must be removed by Council at the expense of the Developer/Owner. Payment of the removal and replacement fee for this tree/s must be made to Kingston City Council's customer service in accordance with Council's Tree Management Policy at least 2 weeks prior to its required removal date.

Drainage

- 9. Unless with prior written consent of the Responsible Authority, before the development commences the following Integrated Stormwater Management (drainage) documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority:
 - a) Stormwater Management (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
 - b) Prior to submitting detailed plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater

- Management”.
- c) The stormwater management (drainage) strategy must include a report with MUSIC modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d) The water sensitive urban design treatments as per conditions above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
10. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
- a) All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
 - b) The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate of 15.2L/s.
 - c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
11. A flood proof apex (ridge level) protecting the property from any overland flows must be provided. This apex is to be a minimum of 310mm above the existing kerb and channel invert level along the entire Nepean Highway frontage of the site. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (eg. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.
12. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of Responsible Authority. Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the responsible authority.
13. The basement structure must be designed to respond to the findings of the GAR and GMP required and constructed to the satisfaction of the responsible authority.

Waste Management Plan

14. Concurrent with the endorsement of plans, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit. The plan must include, but is not limited to, the following:
- a) The manner in which waste will be stored and collected including: type, size and number of containers.
 - b) Spatial provision for on-site storage.
 - c) Details whether waste collection is to be performed by Council’s services

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or privately contracted.

- d) The size of the collection vehicle and the frequency, time and point of collection.
15. The WMP must be implemented to the satisfaction of the Responsible Authority. The WMP must not be modified unless without the written consent of the Responsible Authority.

Sustainable Management Plan

16. Prior to the endorsement of plans required by Condition 1 of this permit, a Sustainable Management Plan (SMP) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. The SMP must incorporate consideration of the following sustainable design criteria:
- Indoor environment
 - Energy efficiency
 - Water resources
 - Stormwater management
 - Building materials
 - Bicycle parking
 - Waste Management
 - Urban Ecology
 - Innovation
 - Ongoing building and site management
17. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed SMP is to be submitted to and approved by the Responsible Authority detailing that all of the required measures specified in the SMP have been implemented, to the satisfaction of the Responsible Authority.

Construction Management

18. Prior to the commencement of any buildings and works on the land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy and Construction Management Guidelines. The CMP must specify and deal with, but is not limited to, the following elements:
- a) Public Safety, Amenity and Site Security
 - b) Traffic Management
 - c) Stakeholder Management
 - d) Operating Hours, Noise and Vibration Controls
 - e) Air Quality and Dust Management
 - f) Stormwater and Sediment Control
 - g) Waste and Materials Re-use

When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

Infrastructure and Road Works

19. Vehicle crossings and other reinstatements must be constructed to council's

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higher strength specifications.

20. Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised to the satisfaction of the Responsible Authority.
21. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
22. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
23. Any reinstatements and new/modified vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
24. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
25. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

General amenity conditions

26. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
27. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
28. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

Completion of Works

29. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
30. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained (except where that landscaping is on public land) to the satisfaction of the Responsible Authority.

Expiry

31. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
 - a) The development is not started within two (2) years of the issue date of this permit.
 - b) The development is not completed within four (4) years of the issue date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

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- Note:** Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.
- Note:** Prior to the commencement of the development you are required to obtain the necessary Building Permit.
- Note:** The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.
- Note:** The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.
- Note:** Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.
- Note:** Any landscape plan prepared in accordance with conditions must comply with Council's Landscape Checklist.
- Note:** The fee for removal of the street tree(s) from the nature strip is \$1358.71 (including GST), payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks' notice from the Developer/Owner. Drainage and Water Sensitive Urban Design
- Note:** The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.
- If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011).
- Note:** The owner(s), occupiers and visitors of the development allowed by this permit may not be eligible for Council resident or visitor parking permits.

Cr Barth returned to the meeting at 8:05pm

CARRIED

8.4 Town Planning Application Decisions - October 2019

RECOMMENDATION

That the report be noted.

Note: Refer to page 4 of the Minutes where this item was block resolved.

8.5 Footpath Activities Policy

RECOMMENDATION

That Council:

1. Adopt the draft Footpath Activities Policy with the provision for an 18-month trial of Clause 9.5.12 Cooking Food on the Footpath.
2. Receive a report regarding Clause 9.5.12 at the conclusion of the 18 month trial period.

Note: Refer to page 4 of the Minutes where this item was block resolved.

8.6 Planning Compliance in the Green Wedge - November 2019

RECOMMENDATION

That Council receive the report

Note: Refer to page 4 of the Minutes where this item was block resolved.

9. Community Sustainability Reports

9.1 Aboriginal Reconciliation Plan 2019 - 2021

RECOMMENDATION

That Council:

1. Endorse the development of a 3 year Innovate Reconciliation Action Plan (RAP) and approve the recruitment of a full time indigenous reconciliation officer position to develop and deliver the RAP with resource allocation to be considered during Council's mid-year budget review process; and
2. Extend the current Aboriginal Policy and Action Plan during the interim.

Note: Refer to page 4 of the Minutes where this item was block resolved.

9.2 CON-18/103 Award of Contract - Maintenance of Security System

RECOMMENDATION

That Council:

1. Award contract 18/103 (a) – Electronic Security Maintenance Services to MA Services Pty Ltd. at a cost of \$80,129.00 (ex GST) per annum for an initial term of three (3) years;
2. Award contract 18/103 (b) – Alarm Monitoring Services to MA Services Pty Ltd at a cost of \$24,890.00 (ex GST) per annum for an initial term of three (3) years;
3. Award contract 18/103 (c) – Security Guards Services to MA Services Pty Ltd Pty. Ltd. at a cost of \$47,398.00 (ex GST) per annum for an initial term of three (3) years;
4. Delegate authority to the Chief Executive to extend the operation of Contract 18/103 Parts (a), (b) & (c) beyond the initial contract term for a further two (2) periods of two (2) years, i.e. up to a maximum Contract Term of seven (7) years from the contract commencement date, subject to satisfactory ongoing performance;
5. Approve an additional \$30,000 operational budget allocation in the current financial year to bridge the gap in funding required to deliver the scope of works, covering the maintenance of public area CCTV and additional guards at Council meetings/events contained in the contract until 30 June 2020 via the mid-year budget review process; and
6. Refers the ongoing reoccurring adjusted full year budget implications in 2020/21 financial year and beyond, which are an additional \$60,000 per annum, for the delivery of these contracted services to the 2020/21 budget setting process, as a budget pre-commitment.

Note: Refer to page 4 of the Minutes where this item was block resolved.

9.3 CON-19/75 Parkdale Yacht Club Award of Contract

RECOMMENDATION

That Council:

1. Note the proposed funding arrangements, as set out in section 4.3 of this report, and refer the funding implications for the project to Council's 2020/21 financial year budget process as a budget pre-commitment.
2. Award Contract 19/75 – Parkdale Yacht Club construction project for the final adjusted fixed lump sum price of \$2,590,971.00 (exclusive of GST) to Fimma Constructions Pty Ltd.
3. Approve the allocation of a separate contingency allocation, as set out in the attached confidential appendix and delegate authority to the CEO, or their nominee, to expend this allowance to ensure the successful completion of the project.

Note: Refer to page 4 of the Minutes where this item was block resolved.

9.4 CON-19/80 Award of Contract - Southern Road Reserve Refurbishment

RECOMMENDATION

That Council:

1. Award CON-19/80 Southern Road Reserve Refurbishment for the fixed lump sum price of \$610,376.25 (exclusive of GST) to Bowden Corporation Pty Ltd; and
2. Approve the allocation of a separate contingency allocation, as set out in the attached confidential appendices and delegate authority to the CEO, or her nominee, to expend this allowance to ensure the successful completion of the project.

Note: Refer to page 4 of the Minutes where this item was block resolved.

9.5 Changing Places Facility: Peter Scullin Reserve, Mordialloc

RECOMMENDATION

That Council:

1. Endorse the construction of a Changing Places Public Toilet facility, at Peter Scullin Reserve, situated as proposed within this report.
2. Authorise officers to continue to work on the progression of the Changing Places facility, including the following actions:
 - a) undertaking detailed design development;
 - b) seeking and obtaining relevant statutory approvals;
 - c) seeking tenders for the construction of the facility and precinct; and
 - d) reporting back to Council on the outcome of the tender process, once complete

Note: Refer to page 4 of the Minutes where this item was block resolved.

9.6 Lift Installation: The Old Bakery Museum (Mordialloc & District Historical Society)

RECOMMENDATION

That Council:

1. Install a 4-Person lift to meet current and future activity requirements within this building as detailed in Option 1 of this report;
2. Refer the installation of the lift project to the 2020/21 budget development process; and
3. Officers to continue to work with the MDHS committee in response to this request.

Note: Refer to page 4 of the Minutes where this item was block resolved.

9.7 Parent First Aid

RECOMMENDATION

That Council:

1. Provide free parent first aid training in the Clayton, Clarinda, Oakleigh South and Chelsea areas on a pilot basis as detailed in section 3.4.1 of this report to establish if there is underlying demand for such training that is not currently being met; and
2. Receive a further report regarding the outcomes of the pilot when completed.

Note: Refer to page 4 of the Minutes where this item was block resolved.

10. City Assets and Environment Reports

10.1 CON-19/112 - Receipt of Recyclables - Financial Implications of any Contractual Changes

RECOMMENDATION

That Council note the financial implications of CON 19/112 Receipt of Recycling Services considering recovery, government support and waste charges.

Note: Refer to page 4 of the Minutes where this item was block resolved.

10.2 Rowans Road (Isabella Street to Franklin Street), Moorabbin Road Reconstruction

RECOMMENDATION

That Council:

1. Delegate authority to the CEO to award Contract No. 19/101 Rowans Road (Isabella Street to Franklin Street), Moorabbin Road Reconstruction on a Lump Sum basis to VCrete Contractors Pty Ltd for the tendered price of \$1,284,675.20 ex GST; and;
2. Approve the allocation of a separate contingency allowance as set out in the attached confidential appendix and delegate authority to the CEO, or nominee, to expend this allowance to ensure the successful completion of the project.

Note: Refer to page 4 of the Minutes where this item was block resolved.

10.3 Response to Budget Submission 6 - Chelsea Pony Club Fencing Improvements

RECOMMENDATION

That Council:

1. Support Option 1 – Council immediately undertake the fencing improvement works and seek a \$5,000 contribution from Chelsea Pony Club; and
2. Refer \$30,000 to the 2019/20 Mid-year budget process to implement the fencing improvements.

Note: Refer to page 4 of the Minutes where this item was block resolved.

10.4 Emergency Management Annual Report and Update - 2019

RECOMMENDATION

That Council receive the report providing a summary of Emergency Management activities over the past 12 months along with proposed future and emerging issues.

Note: Refer to page 4 of the Minutes where this item was block resolved.

10.5 Temporary extension of foreshore and public amenity cleansing services

RECOMMENDATION

That Council authorise the Chief Executive Officer to enter a month to month extension of the Foreshore and Public Amenities Cleansing Services from January 2020 to June 2020 for a maximum cost of \$1,075,726.

Note: Refer to page 4 of the Minutes where this item was block resolved.

10.6 Elder Street South Masterplan Consultation

RECOMMENDATION

That Council:

1. Approve the engagement process for the development of a plan for Elder Street South Reserve; and
2. Receive a further report with the outcomes of consultation and a draft landscape plan.

Note: Refer to page 4 of the Minutes where this item was block resolved.

11. Corporate Services Reports

11.1 CEO Employment Matters Sub Committee

The CEO Julie Reid declared a direct interest in this item due to being the subject of the report and left the meeting at 8.06pm prior to any discussion on the matter.

Moved: Cr Brownlees

Seconded: Cr Staikos

That Council appoints a sub-committee of Cr Oxley, Cr Brownlees OAM and Cr Staikos to oversee CEO employment matters to October 2020.

CARRIED

The CEO returned to the meeting at 8.07pm.

11.2 Quick Response Grants

RECOMMENDATION

That Council approve the following grant applications:

- Probus Club of Edithvale Inc - \$500.00
- Clarinda Clayworkers Inc - \$1500.00
- Kingston Billiards Senior Citizens Club Inc - \$1500.00
- Invrians' Society of Melbourne Inc. - \$500.00
- SKGA Inc - Sangam Kala Group Australia - \$500.00
- Unified Filipino Elderly Association, Inc - \$500.00

That Council not approve the following grant applications:

- Olivia Nugara

Note: Refer to page 4 of the Minutes where this item was block resolved.

11.3 Kingston Your City Protocols Review (Media and External Communications Policy)

Moved: Cr West

Seconded: Cr Staikos

That Council retain the current Kingston Your City protocols with no change (Option 1).

CARRIED

11.4 Commercial Use of Land Application - Hank Marvin

Moved: Cr Staikos

Seconded: Cr Bearsley

That Council approve the application from Hank Marvin Market Commercial Event subject to a range of conditions including safety measures, emergency management, facility provisions, environmental health considerations and agreement to a commercial use of land fee being satisfied, for a three-month trial period commencing February 2020.

CARRIED

11.5 Delegation of Authority to Chief Executive Officer - Contracts for Supply of Natural Gas to Large Market Council Facilities [Procurement Australia Contract 0638/2206]

RECOMMENDATION

That Council vary the Instrument of Delegation to the Chief Executive Officer to delegate authority to the Chief Executive Officer to accept tenders and execute contract agreements for the supply of natural gas to large market Council facilities on the basis of lowest cost and best value being offered to Council, following a tender to be completed by Procurement Australia in November 2019 [Procurement Australia Contract 0638/2206].

Note: Refer to page 4 of the Minutes where this item was block resolved.

Question Time

Cr Staikos left the meeting at 8:28pm.

Cr Staikos returned to the meeting at 8:31pm.

Penny McGuire White asked,

“Has Council considered the effect that running recruitment drives at their leisure Centres has on the existing membership? Some of the activities held at Don Tatnell are becoming so crowded that people holding full memberships are being turned away. Members turning up for their usual aqua aerobic classes are being told that there is not enough room for them. Members have also been turned away from land based classes. Among those who have been turned away are people who have been members for nearly 20 years and have paid their membership fees in advance. This situation does not arise every day for the Aqua but Mondays, Wednesdays and the Friday early class seem to be the ones worst affected. Would it be possible to open the extra lane for aqua aerobics on these occasions or to run more sessions for the classes held in the exercise room?”

The General Manager City Assets and Environment provided the following response,

“Thank you Penny for your question, and thank you for being such a dedicated member of Don Tatnell. From time to time unfortunately we do over-recruit for classes. For aquatic classes, having the numbers of supervisors for people in the class becomes a safety issue. I understand that the 9.30 class does have some capacity and that we are also looking at different days that we could repeat that class. In terms of the other exercise classes, we do have reciprocal rights to Waves, but I also appreciate that not everybody wants to go to Waves and wants to go to Don Tatnell. It is a challenge to balance the demands in a small, aging facility but I will take on your concerns and look into what can be done.”

Penny McGuire White asked,

“When Council holds a recruitment drive at its Leisure Centres, does it ever consider thanking its older long term members by reducing their membership fees? By that I mean that anyone over the age of 75 or 80 who has held a continuous membership, for example 15 or 20 years or more, be granted a special membership. I realise that with the introduction of the digital age and no membership numbers this might be

difficult to trace back, but the matter could be overcome. I understand that Don Tatnell pool has been open for 40 years and I am sure that there are some people who have been attending there for most of that time.

The General Manager City Assets and Environment provided the following response,

“We do value long-term members and thank you for your loyalty. We have a 15% seniors discount and we have an off-peak membership discount of 25% off for long term members as well. Long term members also get their membership suspension for free so that if you go on holidays or are unwell, we would not charge you for your membership. We have a members’ calendar that everyone can participate in and those classes are free, and a members’ breakfast coming up on 2nd December at Waves. We are always happy to look at our long term members’ loyalty and see what we can offer you.”

Ron Gordon of Mentone asked,

“In August 2019 Councillors resolved to seek a meeting with the Minister for Transport Jacinta Allan to discuss contentious issues regarding the LXP. At the September 2019 Ordinary Meeting of Council I asked what were the outcomes of this meeting to be told by the General Manager City Assets and Environment Daniel Freer that council wrote, soon after the last Council Meeting, requesting a meeting, and we are awaiting a response from the Minister at this stage. I asked on 28 October 2019 again when that meeting took place and what were the outcomes of the meeting please only to be advised by Ross Gregory in a letter dated 8 November 2019 that Council is still to receive a formal response from the Minister for Transport Infrastructure. Can I ask what are the plans for a meeting or what are the outcomes of any meeting with the Minister for Transport Infrastructure resulting from the August 2019 request please.”

The General Manager Planning and Development provided the following response,

“To provide some context for the question, the resolution of Item 12.1 on 26 August related to Council reviewing its decision to provide a financial contribution to LXP projects at Cheltenham or Mentone. That relates to an earlier resolution of 27 May 2019 which is to 1) make a capital allocation to a maximum value of \$2m to provide for the construction of additional open space in the form of expanded decking at the Cheltenham and Mentone level crossing removals and 2) to make a capital allocation to a maximum value of \$900,000 to provide for the expansion of the planned car parking as per option 1 as part of the level crossing removal project at Cheltenham. After that resolution in August, we did write to the Minister for Transport. There was also a meeting held between the Chief Executive Officer of the Level Crossing Removal Project Mr Devlin, senior members of his organisation, and a meeting with our Mayor and Councillors and our senior officers on 15 October 2019. Following that, officers reported back to Council on those items on 28 October 2019 and Council then resolved to write to the LXP informing them that Council wishes to proceed with its contributions to the deck and car park areas as per the resolution on 27 May. I do apologise to Mr Gordon if that wasn’t fully covered in the more recent correspondence but officers have successfully actioned the items under item 12.1 of the 26 August Council Meeting. We meet regularly with officers from the LXP so if there are concerns about particular issue we are happy to raise them”.

Ron Gordon of Mentone asked,

“Mentone Activity Centre is a significant destination and travellers would expect clear signage to assist them in reaching this destination. A quick survey of the outlying entry points to Mentone like Nepean Highway, Warrigal Road, Beach Road and Charman Road reveals at best a smattering of signs directing travellers to Mentone. Which City of Kingston department is responsible for overseeing this service and which Council officer within that department would be best suited to contact in regard to: 1. Establishing a record of what Mentone this way signage is currently in place, 2. Identifying any deficiencies in the Mentone this way signage, 3. Developing a plan to overcome any deficiencies in the Mentone this way signage identified.”

The General Manager City Assets and Environment provided the following response,

“With regard to the directional signage that you’re referring to, there is a sign that points to the destination for Mentone at the end of the route at Warrigal Road, however Balcombe Road and Nepean Highway also pass through that. The Department of Transport have quite strict controls over those directional destination signs but I will contact them and refer the advice to you when I receive it.”

Ron Gordon of Mentone asked,

“At the Ordinary Meetings of Council in July, August and September 2019 I have asked for the left hand turn out of Como Parade West into Mentone Parade be reinstated to improve connectivity within Mentone and to ease the traffic flows in Commercial Road Mentone for the benefit of the local residents.

The CEO John Nevins and the General Manager City Assets and Environment Daniel Freer have provided answers to the effect that Council has monitored the situation and are working their way through results with the view to continue to monitor the traffic movements through the area. I asked in October 2019 – given that four months of monitoring has taken place can the conclusions drawn from this research be provided so that a clear understanding of what Council is prepared to take to reintroduce the left hand turn out of Como Parade West into Mentone Parade be revealed please – for which the following answer was provided by Ross Gregory Manager Traffic and Transport in a letter dated 8 November 2019: “I note the Council report of July 2019 explored the provision of a left turn from Como Parade West into Mentone Parade and determined the dimensions of the intersection do not allow vehicles to make this turn. This means extensive work, including the removal of the palm tree, would be required to allow the left turns. Additionally, pedestrian movements at this intersection would be negatively affected. This work was estimated to be in the order of \$100,000 but could vary substantially from this depending on the final scope. Given the community support for the changes that have already been made, officers’ observations they have had the desired effect and the substantial impact of further works it is not considered warranted to reopen the left turn at Como Parade West into Mentone Parade at this stage.” Given that Cr Geoff Gledhill’s successful Notice of Motion dated 3rd May 2019 requested that officers immediately consider the reinstatement of a left hand turn from Como Parade West into Mentone Parade and that the 1000 signatories of the supporting petition were of the view that a left hand turn would be reinstated at what stage will Council consider reinstating the Left Hand Turn warranted. As the lack of a Left Hand Turn at this location continues to push traffic into residential areas like Commercial Road Mentone could Council solicit the views of Commercial Road residents on the extra traffic in their street and publish the findings for Council and the Community to better understand the need for reinstating this left hand turn for northbound traffic on Como Parade West at Mentone Parade please.”

The General Manager City Assets and Environment provided the following response,

"This question will be taken on notice and a written response provided."

12. Notices of Motion

12.1 Notice of Motion No. 53/2019 - Cr Staikos - Traffic Consultations - Bernard Street, Cheltenham

Moved: Cr Staikos

Seconded: Cr Barth

That:

1. Council note the consultation currently underway "Turner Rd and Bernard St - Proposed speed limit, safety and traffic signal changes."
2. Officers prepare a report that outlines further consultation options on:
 - a. Relocating the bus stop on the north side of Bernard Street outside Cheltenham Secondary College - further west - away from the pedestrian crossing, to opposite the bus stop on the south side.
 - b. Installing a large speed bump at the pedestrian crossing, similar to the arrangement at Parkdale Secondary College, Warren Road, Parkdale.
 - c. The introduction of bike lanes on Bernard Street, Cheltenham, including the option of a "two-way cycle track."
3. This report be presented to the February 2020 meeting cycle.

Cr West left the meeting at 8:41pm

CARRIED

12.2 Notice of Motion No. 54/2019 - Cr Staikos - Community Garden for Dingley Village

Moved: Cr Staikos

Seconded: Cr Barth

That Council officers prepare a report exploring options for the establishment of a Community Garden in Dingley Village.

Further that this report explore the option of the Community Garden being established at 265 Spring Road, Dingley Village and also consider the land to the north west of that property on the Spring Road Reserve.

Further that this report be presented to the Council in the February 2020 meeting cycle.

Cr Gledhill left the meeting at 8.42pm

Cr West returned to the meeting at 8:42pm

Cr Gledhill returned to the meeting at 8.44pm

CARRIED

12.3 Notice of Motion No. 55/2019 - Cr Oxley - Chelsea Community Christmas Lunch

Moved: Cr Oxley

Seconded: Cr Bearsley

That Council allocate \$1400.00 to the Chelsea Community Christmas Lunch and sponsor/subsidise seven tables for Kingston residents in need so that they are able to attend Christmas Lunch on Christmas Day.

CARRIED

12.4 Notice of Motion No. 56/2019 - Cr Gledhill - Bay Trail Risk Assessment

Moved: Cr Gledhill

Seconded: Cr Brownlees

That officers prepare a report describing the risk assessment process adopted in evaluating the appropriateness of the Baytrail design adopted for the Mentone to Mordialloc leg.

Further that the report provide comment on the levels of risk to all stakeholders and importantly what implications, if any, may emerge for Council as an organisation, individual officers and individual Councillors. If any possible risk is to be mitigated through the involvement of other parties such as VicRoads or Bicycle Network, then the report must note how and reveal the legal advice that would support this outcome.

Further that the report not be of a generalised nature, rather it should apply to the idiosyncratic characteristics of the Mentone to Mordialloc section of Beach road.

Further that the report be available to Councillors in the February cycle and be prepared in such a format as to enable publication to the broader community.

LOST

A Division was Called:

DIVISION:

FOR: Crs Bearsley, Brownlees, Gledhill and Hua (4)

AGAINST: Crs Barth, Staikos, West and Oxley (4)

ABSTAINED: Cr Eden (1)

LOST

12.5 Notice of Motion No. 57/2019 - Cr West - Heritage Review

Moved: Cr West

Seconded: Cr Staikos

That Council receive a report into reviewing its heritage overlay considering the following points:

1. Whether there are places or features in Kingston that warrant heritage listing that were not previously identified;
2. The condition of existing heritage-listed places and whether Council could take any measures to enable better maintenance of those places that are in a poor state of repair, such as:
 - providing an enhanced rate rebate for heritage-listed properties;
 - other measures that officers, consultants or councillors may recommend;
3. Consideration of a panel of one or more different heritage consultants with different specialities be appointed to undertake this review to ensure:
 - that it serves as a peer review of the earlier review;
 - that various heritage values are taken into account, for instance industrial buildings and cultural heritage may require a different perspective and speciality from the standards adopted some years ago for our current heritage overlay;
4. How the community can be informed of this review and invited to nominate buildings and other features for assessment;
5. That a heritage planner be designated, ideally by nomination of an existing staff member or by appointment next time there is a need to replace or engage a new planner;
6. Officers provide a report to Council's first 2020 meeting regarding how best these objectives may be implemented.

Procedural Motion

Moved: Cr West

Seconded: Cr Gledhill

That consideration of this item be deferred until the December Ordinary Meeting of Council with the matter to be discussed at a Councillor Information Session.

CARRIED

13. Urgent Business

Urgent Business

Moved: Cr Staikos

Seconded: Cr Barth

That an item of urgent business be moved in relation to a planning matter and that the item be considered in the confidential part of the meeting as it would prejudice the Council.

CARRIED

14. Confidential Items

Moved: Cr Staikos

Seconded: Cr West

That in accordance with the provisions of section 89(2) of the *Local Government Act 1989*, the meeting be closed to members of the public for the consideration of the following confidential items:

13. Urgent Business – Planning Matter

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

14.1 Agricultural Preservation and Strengthening Strategy - Update

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to contractual matters (s89 2d)

14.2 Suburban Rail Loop - Update to Confidentiality Deed

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to contractual matters (s89 2d), legal advice (s89 2f) and any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

Confidential Appendices

8.6 Planning Compliance in the Green Wedge - November 2019

Appendix 1, Green Wedge Spreadsheet for Council - update November 2019 - Confidential

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2h)

9.2 CON-18/103 Award of Contract - Maintenance of Security System

Appendix 1, Con 18-103 Part a Tender Evaluation Matrix

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

9.2 CON-18/103 Award of Contract - Maintenance of Security System

Appendix 2, Con 18-103 Part b Tender Evaluation Matrix

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

9.2 CON-18/103 Award of Contract - Maintenance of Security System

Appendix 3, Con 18-103 Part c Tender Evaluation Matrix

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

9.3 CON-19/75 Parkdale Yacht Club Award of Contract

Appendix 1, Tender Evaluation Matrix Con 19-75

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

9.3 CON-19/75 Parkdale Yacht Club Award of Contract

Appendix 2, Parkdale Yacht Club confidential break down of costs

This appendix is confidential in accordance with the Local Government Act s89(2) as

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it relates to (s89 2d)

**9.4 CON-19/80 Award of Contract - Southern Road Reserve Refurbishment
Appendix 1, CON 19-80 Tender Evaluation Matrix**

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

**9.4 CON-19/80 Award of Contract - Southern Road Reserve Refurbishment
Appendix 3, Tender Items Cost - CON 19-80**

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

**10.1 CON-19/112 - Receipt of Recyclables - Financial Implications of any
Contractual Changes
Appendix 1, Recycling Processing Financial Information**

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

**10.2 Rowans Road (Isabella Street to Franklin Street), Moorabbin Road
Reconstruction
Appendix 1, CON-19 101 Evaluation Matrix - Rowans Road Moorabbin Road
Reconstruction**

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

CARRIED

The meeting was closed to members of the public at 9.21pm.

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Eden

That the meeting be opened to members of the public.

CARRIED

The meeting was opened to members of the public at 9.46pm.

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Note: In the part of the meeting closed to the public it was resolved that the following resolution be made public:

14.1 Agricultural Preservation and Strengthening Strategy - Update

Moved: Cr Staikos

Seconded: Cr Eden

That Council:

1. Note that officers intend to appoint RMCG to undertake the Agricultural Preservation and Strengthening Strategy.
2. Determine, in accordance with Section 77(2) of the Local Government Act, that this resolution be designated not confidential.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Barth, Eden, Staikos, West and Oxley (5)

AGAINST: Crs Bearsley, Gledhill and Hua (3)

ABSTAINED: Crs Brownlees (1)

CARRIED

The meeting closed at 9.46pm.

Confirmed.....

The Mayor 9 December 2019